It is against this order of 24 October 1992 that the defendants appeal.

I consider it necessary to deal only with the power of the learned Senior Assistant Registrar to make this order of 24 October 1992 as he did. Since the order dated 25 January 1992 had been drawn up, passed, sealed and entered, had he, who granted the order, the jurisdiction to vary it by the subsequent order of 24 October 1992? For the plaintiff Mr. Thomas contented that the learned Senior Assistant Registrar had because of the wording "or further order" contained in the first order of 25 January 1992 and that the term "or further order" meant with liberty to apply. With respect, I am unable to agree. In my opinion the learned Senior Assistant Registrar was *functus officio*. *Re V.G.M. Holdings Ltd.* [1941] 3 AER 417. If the plaintiff was not satisfied with the part of the order, it should have appealed (which it did not) or steps to vary should have been timely taken before the order was perfected. I do not think the words "or further order" in the order of 25 January 1992 authorised the learned Senior Assistant Registrar to **vary** the order as he did. It may be that another order may be made or that the circumstances of the case (e.g.. that the judgment of the plaintiff's claim far exceeding the 1st defendant's counterclaim) might well justify the making of a further order. But that is quite different from **varying** the said order of 25 January 1992 as the learned Senior Assistant Registrar did.

As regards the contention that the words "or further order" meant or were equivalent to "liberty to apply", even if this is correct, it did not confer a right to ask the Court to vary an order. *Cristel v. Cristel* [1951] 2 KB 725.

The learned Senior Assistant Registrar, in my opinion, had no jurisdiction to vary or amend the already perfected order of 25 January 1992. The appeal is allowed. The order of 24 October 1992 is set aside.

Costs of and incidental to the plaintiff's summons dated 9 March 1992 including the hearing thereof and the costs of this appeal be taxed, if not agreed, and paid by the plaintiff/respondent to the defendants/appellants.

SEGAR RESTU (M) SDN. BHD.

v.

WONG KAI CHUAN & ANOR.

HIGH COURT, TAIPING
DATO' HJ. ABDUL MALIK BIN HJ. ISHAK JC
[CIVIL SUIT NO: 22-7 OF 1993 (T)]
4 SEPTEMBER 1993

CONTEMPT OF COURT: Ex parte application by plaintiff against first defendant to commit him for contempt - Subject matter is immovable property - Injunction obtained by plaintiff against first defendant to restrain him or his servant/agent from entering or trespassing into the said land - Whether prima facie case for contempt made out against first defendant - Standard of proof beyond reasonable doubt - Whether injunction order should contain penal notice.

This was an application by the plaintiff for an order of committal against the first defendant for contempt of court.

Held:

[1] It is trite law that a regular order of this Court must be respected and obeyed. The Court order is regular and being so, it can only be set aside by an appellant Court upon appeal, if there is one to which an appeal lies. In short, an order by a Court of competent jurisdiction, like this Court, must be obeyed unless and until it has been set aside or varied.

[2] The Court order was not only regular but it was both clear and unambiguous. From the recital of the facts, it is beyond dispute that the injunction was violated by the first defendant. That this Court has the power to deal with contempt of this nature is beyond question.

[3] The facts in the present application are clear as crystal and for fear of being repetitive, the affidavits of both parties clearly point to the breaches of the Court order by the first defendant beyond all reasonable doubt. The affidavit of the first defendant shows that he had acted under the guise and pretence of ignorance when he entered Lot 76. The truth simply oozed out from the affidavits of both parties.

The first defendant had blatantly violated the Court order and hence, is in contempt of Court.

However, the first defendant who was present in Court had through his Counsel shown

remorse over his violation of the Court order. After taking into account all the factors in his favour and weighing that with the hassle which the plaintiff had to go through when the police investigated him, the Court felt that this was a fit case to temper justice with mercy.

[First defendant found in contempt of Court, cautioned and discharged and ordered to pay costs of the application].

Cases referred to:
Wee Choo Keong v. MBf Holdings Bhd. & Anor. And Another Appeal [1993] 3 CLJ 210 SC ***(refd)***
Attorney-General v. Times Newspapers [1974] AC 273 ***(refd)***
Tiu Shi Kian & Anor. v. Red Rose Restaurant Sdn. Bhd. [1984] 1 CLJ 325 / [1984] 2 MLJ 313 ***(refd)***
Hadkinson v. Hadkinson [1952] 2 All ER 567 CA ***(refd)***
Karam Singh Veriah v. Karpal Singh [1987] 1 CLJ 63 / [1988] 2 MLJ 603 ***(refd)***
The Vanda [1960] 26 MLJ 283 ***(cit)***
Re Bramblevale Ltd. [1970] Ch 128; [1969] 3 All ER 1062, 1063 ***(foll)***
Sia Soon Suan v. Public Prosecutor [1966] 1 MLJ 116 FC ***(refd)***
Tay Seng Keng v. Tay Ek Seng Co. Sdn. Bhd. [1978] 1 MLJ 126 FC ***(refd)***
Lye Fong Weng & Anor. v. Deputy Minister of Home Affairs & Anor. (Criminal Applications No: 44-6-93 & 44-7-93)
R v. Odhams Press Ltd. [1956] 3 All ER 494 ***(foll)***
Elliot v. Klinger [1967] 3 All ER 141 ***(refd)***
Burdett v. Rockley [1682] 1 Vern 58 ***(refd)***
Dixen v. Rowe [1876] 35 LT 548 ***(refd)***

Legislation referred to:
Courts of Judicature Act 1964, s. 13(2)
Rules of the Supreme Court, r. 5

For the plaintiff - A. Selvanathan; M/s. Kean Chye & Sivalingam
For the first defendant - Gurbachan Singh; M/s. Bachan & Kartar

JUDGMENT

Abdul Malik bin Hj. Ishak JC:
This is an application by the plaintiff for an order of committal against the first defendant for contempt of Court.

The facts of the case may be stated, briefly, as follows. On 5 March 1993, the plaintiff made an *ex-parte* application for an order that the defendants by their servants or agents or otherwise be restrained, *inter alia*, from entering or trespassing upon a piece of land comprised in H.S.(D) L.M. 4277-4311, P.T. 2053-2007 (previously known as EMR 1133, Lot 76), Mukim Sungai Tinggi, in the district of Larut and Matang (hereinafter referred to as "Lot 76"). The injunction order that was sought for, was duly obtained on the same day ("the Court Order"). The Court Order was served personally to the first defendant by the plaintiff accompanied by Constable 99810 Muniandy on 29 June 1993 at about 2.45 p.m. at No. 5, Lorong 14, Aulong, Taiping (see enclosure 25). Since the first defendant refused to accept service, the Court Order was left at the said premises.

The terms of the Court Order, in so far as relevant to the present proceedings, are as follows:

> ADALAH DIPERINTAHKAN bahawa banglo dan kilang di atas H.S.(D) LM 4277-4311, P.T. 2053-2087 (dahulu dikenali sebagai EMR 1133 Lot 76) Mukim Sungai Tinggi, Daerah Larut Matang yang dibina oleh defendan-defendan tanpa izin atau autoriti daripada plaintiff adalah sebahagian "tanah" dan telah terletak hak kepada plaintiff di bawah Kanun Tanah Negara 1956.
>
> ADALAH JUGA DIPERINTAHKAN bahawa plaintiff diberi possessi bangunan-bangunan di atas lot tersebut.
>
> ADALAH JUGA DIPERINTAHKAN bahawa defendan-defendan secara sendiri dan/atau agen/pengkhidmat atau secara bagaimanapun ditahan dari memasuki atau melintasi lot tersebut.
>
> ADALAH JUGA DIPERINTAHKAN bahawa plaintif dibenarkan untuk memecah dan memasuki tanah Lot 76.

The plaintiff alleged that the first defendant had committed breaches of the terms of the Court Order. The breaches complained of are set out below:

(1) On 11 March 1993 at 8.30 p.m., the first defendant fastened the gate that fenced the premises of Lot 76 with a brand new lock. Having done so, the first defendant then lodged a police report vide Trong report 101/93 on 12 March 1993 at 7.20 p.m. as per exhibit "S22".
(2) On 18 April 1993 at 12.40 p.m., the first defendant entered Lot 76 and took photographs without the permission or without the consent of the plaintiff. On the same day at 12.50 p.m., the first defendant lodged a police report vide Trong report 174/93 as per exhibit "S23".

(3) Being dissatisfied with the actions of the first defendant, the plaintiff, with full knowledge that the first defendant had violated the Court Order, lodged a police report vide Trong report 175/93 on 18 April 1993 at 1.30 p.m. as per exhibit "S24". In his police report, the plaintiff adverted to the trespass by the first defendant in clear contravention of the Court Order.

(4) It was averred in the plaintiff's affidavit that what the first defendant did was done in bad faith. Both the police reports 101/93 and 174/93 referred to Lot 78 of which both the defendants were the registered proprietors. But Lot 78 is an empty piece of land without fixtures, that is, without a single building nor is it fenced up. It was averred that the first defendant was still under a misconception that Lot 76 was his notwithstanding the Court Order. It was the plaintiff's case that the first defendant practised deception and had deceived not only the police but also this Court by referring to Lot 76 as Lot 78.

(5) In consequence of the deception and confusion caused by the first defendant, the police and the land officer from the Taiping land office visited the site and they confirmed that the lands referred to in the police reports 101/9, 174/93 and 175/93 related to Lot 76. A police report to this effect was also lodged on 13 May 1993 vide Trong report 210/93 as per exhibit "S25". It was the plaintiff's case as can be seen in Trong report 210/93 that the first defendant had lodged false police reports and had breached the Court Order.

(6) It was also the plaintiff's case that, in consequence of the police report 174/93, the plaintiff became the prime suspect in a theft case and was investigated for some hours by the police at the police station.

On the strength of the breaches stated above, leave *ex-parte* to issue proceedings against the first defendant to commit him to prison for contempt was obtained on 19 June 1993 (enclosure 21). This means that a *prima facie* case for contempt has been made out against the first defendant (see *Wee Choo Keong v. MBf Holdings Bhd. & Anor And Another Appeal* [1993] 3 CLJ 210 SC).

The first defendant, in his affidavit affirmed on 16 July 1993, averred that he did not know the effect of the Court Order since he was not represented by Counsel on 11 March 1993. The first defendant further stated in his affidavit that on 17 March 1993 he retained Messrs. Bachan & Kartar, Advocates & Solicitors as his Counsel.

It was part and parcel of the first defendant's averment, that on 18 April 1993 at 12.00 p.m., his younger brother by the name of Wong Loy Fatt telephoned him and told him that someone had entered his house on the said land ("... ada orang masuk di rumah saya di tanah tersebut"). Without further ado, the first defendant proceeded to the said land and arrived there at about 12.40 p.m. There, the first defendant saw two male Indians accompanied by two female Indians and a proton saga car bearing registration number ABR 56. At a short distance away (standing by the side of the road and without entering the said land), the first defendant observed and to his amazement, saw the doors to the house and the store were opened. The first defendant also saw a male Indian took a roll of barbed wire from the store. The first defendant suspected something was amiss. Hurriedly, the first defendant entered the said land and snapped some photographs as he thought that they (the Indians) had no authority to do so. As the first defendant was walking in the direction of the store, the plaintiff was seen emerging from it. After taking several photographs, the first defendant then left the scene and proceeded to the Trong police station to lodge a police report. According to the first defendant, at the material time, his younger brother by the name of Wong Loy Fatt stood by the road side and did not enter the said land.

Wong Loy Fatt swore an affidavit dated 16 July 1993. It appeared that Wong Loy Fatt corroborated and amplified the story of the first defendant to a certain extent.

Finally, in his affidavit, the first defendant was full of remorse and he apologised and said that he had no intention of committing contempt. He further averred that he never intended that the police would investigate the plaintiff. He averred that his entry into the said land was sincere and such sincerity was reflected in his police reports.

It is pertinent to note that nowhere in his affidavit did the first defendant mention the lot number of the said land. He merely averred to "the said land" without mentioning its lot number. Was this done purposely? But from the

tenor of paragraph 5(b) of his affidavit, the first defendant knew that he had entered and trespassed upon lot 76. This knowledge is further borne out by paragraph 4 of his affidavit.

Contempt of Court is indeed a serious offence. The reason for this is simple. It undermines public confidence in the administration of justice. The Court is the last bastion in which the citizen's right is vested.

The pertinent question to ask is this: What kind of conduct is said to be in contempt of Court? There is, unfortunately, no hard and fast rule to determine what is contempt of Court and what is not contempt of Court. But what is certain is this: that contempt of Court may take many forms. I am fortified in my view by the following passages in the judgment of Lord Diplock in *Attorney-General v. Times Newspapers* [1974] AC 273:

> ... in any civilised society it is a function of government to maintain Courts of law to which its citizens can have access for the impartial decision of disputes as to their legal rights and obligations towards one another individually and towards the state as representing society as a whole. The provision of such a system for the administration of justice by Courts of law and the maintenance of public confidence in it, are essential if citizens are to live together in peaceful association with one another. "Contempt of Court" is a generic term descriptive of conduct in relation to particular proceedings in a Court of law which tends to undermine that system or to inhibit citizens from availing themselves of it for the settlement of their disputes. Contempt of Court may thus take many forms.

Further down the page, Lord Diplock said:

> The due administration of justice requires first that all citizens should have unhindered access to the constitutionally established Courts of criminal or civil jurisdiction for the determination of disputes as to their legal rights and liabilities; secondly, that they should be able to rely upon obtaining in the Courts the arbitrament of a tribunal which is free from bias against any party and whose decision will be based upon those facts only that have been proved in evidence adduced before it in accordance with the procedure adopted in Courts of law; and thirdly, that, once the dispute has been submitted to a Court of law, they should be able to rely upon there being no usurpation by any other person of the function of that Court to decide it according to law. Conduct which is calculated to prejudice any of these three requirements or to undermine the public confidence that they will be observed is contempt of Court.

The ingredients to found a case of civil contempt of Court are as follows (see *Tiu Shi Kian & Anor. v. Red Rose Restaurant Sdn. Bhd.* [1984] 2 MLJ 313):

(i) the terms of the injunction must be clear and unambiguous;
(ii) the defendants (in particular, the first defendant) must have proper notice of such terms;
(iii) there must be clear proof that the terms have been broken and breach must be proved beyond all reasonable doubts; and
(iv) proof of *mens rea* is not necessary.

The terms of the injunction must be clear and unambiguous

The Court Order marked as exhibit "S21" in enclosure 17 incorporated the terms of the injunction. On perusal of the terms of the injunction, couched in simple Malay language, they are clear and unambiguous. Indeed, even the first defendant in his affidavit did not deny that he did not know the meaning of the Court Order. He merely stated that he did not know the effect of the Court Order since he was unrepresented by Counsel on 11 March 1993. There was nothing in the affidavit of the first defendant to show that he did not understand the Malay language, the official language of his own country, that is, Malaysia. Now, what was the meaning of the Court Order? It restrains the first defendant (in fact both the defendants) from entering or trespassing upon Lot 76 ("ditahan dari memasuki atau melintasi lot tersebut").

From the affidavit evidence, it is clear that even after the first defendant had engaged Counsel (from Messrs. Bachan & Kartar) on 17 March 1993, yet the first defendant had the audacity, on 18 April 1993 at 12.40 p.m., to enter and thereby trespass unto lot 76 in order to take photographs. This piece of evidence finds support in the police report lodged by the first defendant himself. It is my finding of fact that in so doing, the first defendant had adopted a high-handed attitude and could not be heard to say that he did not know the effect of the Court Order (after all by 17 March 1993 his Counsel must have explained to him the meaning and purport of the Court Order). Consequently, the

first defendant cannot also be heard to say that he never meant to be disobedient to the Court's Order.

It is trite law that a regular order of this Court must be respected and obeyed. The Court Order is regular and being so, it can only be set aside by an appellate Court upon appeal, if there is one to which an appeal lies. In short, an order by a Court of competent jurisdiction, like this Court, must be obeyed unless and until it has been set aside or varied. For this proposition, I need only cite a passage from the judgment of Romer L.J. in *Hadkinson v. Hadkinson* [1952] 2 All ER 567 CA to the following effect:

> It is the plain and unqualified obligation of every person against, or in respect of whom, an order is made by a Court of competent jurisdiction, to obey it unless and until that order is discharged. The uncompromising nature of this obligation is shown by the fact that it extends even to cases where the person affected by an order believes it to be irregular or even void. A party who knows of an order, whether null and void, regular or irregular, cannot be permitted to disobey it ... It would be most dangerous to hold that the suitors, or their solicitors, could themselves judge whether an order was null and void - whether it was regular or irregular. That they should come to the Court and not take upon themselves to determine such a question that the course of a party knowing of an order which was null and irregular and who might be affected by it was plain. He should apply to the Court that it might be discharged. As long as it existed it must not be disobeyed. (Per Lord Cottenham LC in *Chuck v. Cremer* [1846] Cooper temp. Cottenham 205, 338). Such being the nature of this obligation, two consequences will, in general, follow from its breach. The first is that anyone who disobeys an order of the Court ... is in contempt and may be punished by committal or attachment or otherwise.

Nearer home, Tun Abdul Hamid bin Omar LP in *Wee Choo Keong v. MBf Holdings Bhd. & Anor. And Another Appeal (supra)*, speaking for the Supreme Court had this to say in regard to obedience to Court Orders:

> It is established law that a person against whom an order of Court has been issued is duty bound to obey that order until it is set aside. It is not open for him to decide for himself whether the order was wrongly issued and therefore does not require obedience. His duty is one of obedience until such time as the order may be set aside or varied. Any person who fails to obey an order of Court runs the risk of being held in contempt with all its attendant consequences.

His Lordship further said at page 213:

> Orders of Court must be treated with respect and require strict obedience.

In my judgment, the Court Order was not only regular but it was both clear and unambiguous. From the recital of the facts, it is beyond dispute that the injunction was violated by the first defendant. That this Court has the power to deal with contempt of this nature is beyond question (see article 126 of the Federal Constitution, s. 13(2) of the Courts of Judicature Act 1964, and *Karam Singh Veriah v. Karpal Singh* [1988] 2 MLJ 603).

The defendants (in particular, the first defendant) must have proper notice of such terms

Mr. Gurbachan Singh, learned Counsel for the first defendant, argued that there was absolutely not an iota of evidence that the Court Order had been served on the defendants especially the first defendant. Devoid of such evidence, the question of contempt has not arisen, so submitted the learned Counsel.

Mr. A. Selvanathan, learned Counsel for the plaintiff, submitted that the first defendant only had to have proper notice of the Court Order and going by the facts, as averred in the affidavit of the first defendant, there was such a notice.

It is apparent that the first defendant **knew of the existence of the Court Order** when he committed the first breach on 11 March 1993 at 8.30 p.m. but he did not know the purport of the Court Order (see paragraph 4 of Enclosure 22A). This constitutes admission on the first defendant's part that he had notice of the Court Order and consequently, the submission of Mr. Gurbachan Singh crumbles to the ground. Again, on 18 April 1993 at 12.40 p.m., when the first defendant committed the second breach, he must be presumed to know the purport of the Court Order for by then he had the services of his Counsel. Now, even if proof is required as to the service of the Court Order (which is not an ingredient to found a case of civil contempt), support can be garnered from the affidavit of the plaintiff as per enclosure 25 where it was averred that the Court Order was personally served on

29 June 1993 at 2.45 p.m. on the first defendant. That would certainly put an end to the matter.

However, learned Counsel for the first defendant, argued that the Court Order should contain penal notice and without it, this Court is entitled to set aside the plaintiff's application. *The Vanda* [1960] 26 MLJ 283 was cited as an authority for this proposition. In that case, the order which was disobeyed by the defendant was not properly indorsed as required by Order XXXIX, r. 5 of the Rules of the Supreme Court and consequently, the appeal was allowed by the Court of Appeal. This is certainly not the case here. In fact, Mr. Gurbachan Singh conceded that the papers are in order and implored this Court to be lenient to the first defendant.

There must be clear proof that the terms have been broken and breach must be proved beyond all reasonable doubt

It is now settled law that in contempt proceedings, the standard of proof is one beyond reasonable doubt. The *locus classicus* on this point is the case of *Re Bramblevale Ltd.* [1970] Ch 128; [1969] 3 All ER 1062, 1063, where Lord Denning MR had this to say:

> A contempt of Court is an offence of a criminal character. A man may be sent to prison for it. It must be satisfactorily proved. To use the time-honoured phrase, it must be proved beyond reasonable doubt.

Now, since the colour and texture of a contempt of Court is criminal in nature, it follows therefore that the standard of proof should be strict just like a criminal case. The requirements of strict proof in a criminal case as set out in *Sia Soon Suan v. Public Prosecutor* [1966] 1 MLJ 116 F.C should be adhered to.

I am mindful of the salutary advice by Gill CJ Malaya (as he then was) in *Tay Seng Keng v. Tay Ek Seng Co. Sdn. Bhd.* [1978] 1 MLJ 126 F.C., that it was quite impossible to say on a mere consideration of evidence given on affidavits that the guilt of the appellant had been proved beyond reasonable doubt and, consequently, the appellant's imprisonment, in that case, for contempt of Court could not be sustained. But the facts in the present application are entirely different in that they are clear as crystal and, for fear of being repetitive, the affidavits of both parties clearly point to the breaches of the Court Order by the first defendant beyond all reasonable doubt. The affidavit of the first defendant shows that he had acted under the guise and pretence of ignorance when he entered Lot 76. In fact, the first defendant apologised to this Court in his short affidavit affirmed on 16 July 1993 and this would clearly differentiate *Tay Seng Keng's* case (supra) with the present application. I had occasion to say in *Lye Fong Weng & Anor. v. Deputy Minister of Home Affairs & Anor.* (Criminal Applications No: 44-6-93 & 44-7-93) that: "After all, it had been said that sometimes the truth seeps out of an affidavit." This would certainly be the case here. The truth simply oozed out from the affidavits of both parties.

Proof of mens rea

I wholeheartedly agree with Wan Mohamed J. in *Tiu Shi Kian Anor v. Red Rose Restaurant Sdn. Bhd.* (supra) when his Lordship said that the matter had been settled in *R v. Odhams Press Ltd.* [1956] 3 All ER 494, in that *mens reas* need not be proved in contempt proceedings.

Punishment for contempt

It is my judgment that the first defendant had blatantly violated the Court Order and hence, is in contempt of Court. Learned Counsel for the first defendant strongly urged this Court to be lenient with the first defendant. It was said that the first defendant had purged his contempt by apologising to this Court in his affidavit. Now, for the offence of contempt of Court the punishments may be as follows:

(1) a fine of unfixed amount (see *Elliot v. Klinger* [1967] 3 All ER 141); or
(2) a term of imprisonment of unfixed period (see *Burdett v. Rockley* [1682) 1 Vern 58; *Dixen v. Rowe* [1876] 35 L.T. 548); or
(3) both fine and imprisonment; or
(4) caution and discharge.

The Court is also entitled to require the contemner to pay the costs of the application.

The first defendant is present in Court and through his Counsel has shown remorse over his violation of the Court Order. After taking into account all the factors in his favour and weighing that with the hassle which the plaintiff had to go through when the police investigated him, I feel that this is a fit case to temper justice with mercy. In the circumstances, I caution and discharge the first defendant. I also order the first defendant to pay the costs of this application. However, I must signal a warning that

should offences of this nature be committed in the future, in this Court, by persons in the same or similar position as the first defendant, similar leniency will certainly not be extended.

Order accordingly.

TENGKU JAFFAR BIN TENGKU AHMAD

v.

KARPAL SINGH

HIGH COURT, KOTA BHARU
DATO' IDRIS BIN YUSOFF J
[CIVIL SUIT NO. 22-165-1992]
29 MAY 1993

PRACTICE AND PROCEDURE: Pleadings - Defendant put in unconditional appearance - Whether defendant precluded from applying to strike out writ and statement of claim - Locus standi - Jurisdiction of Court - Sedition Act 1948 - Federal Constitution.

DEFAMATION: Libel and slander - Locus standi - Private interest - Whether defamatory words referred to plaintiff - Reference to Rulers - Whether defamed Malay race.

The plaintiff filed an action against the defendant seeking;

(i) a declaration that the statement or words uttered by defendant as appeared in the Berita Harian dated 14 December 1992 tantamount to seditious libel,
(ii) delcaration that it is sedition to degrade any Ruler or Sultan in the way the defendant did,
(iii) by degrading the Ruler the defendant has indirectly degraded the Malays,
(iv) a declaration that the Court has unlimited powers to grant a declaration and injunction if requested by any person if the Sultan is reluctant to commence legal proceedings, any subject can do so otherwise the Malay subjects or citizens have no remedy for injustice and,
(v) injunction to restrain the defendant from further speaking and publishing the said or any similar sedition.

The defendant applied to strike out the plaintiff's writ of summons and statement of claim under O. 18 r. 19 of the Rules of the High Court 1980 and/or under the inherent jurisdiction of the Court on the grounds that the plaintiff lacked the necessary *locus standi* to institute these proceedings or the same were misconceived and devoid of any basis or merits.

Held:

[1] To possess *locus standi* it requires that the applicant should be seeking to protect or